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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,279	03/12/2004	John Elton Brunken JR.	017058-0306050	5180
909	7590	12/21/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			LE, DANG D	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2834	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,279

Applicant(s)

BRUNKEN, JOHN ELTON

Examiner

Dang D. Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-6, 12-14, and 18-20 in the reply filed on 11/22/05 is acknowledged. The traversal is on the ground(s) that "the search and examination required for Group I necessarily includes the search and examination required for Group II". This is not found persuasive because claims 15-17 are directed to the structure of a damping member, which requires the search in other classes and subclasses. However, the examiner agrees to prosecute claims 7-11.

The requirement is still deemed proper and is therefore made FINAL.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2834

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wadensten (4,425,813).

Regarding claim 1, Wadensten shows a support system for a rotating shaft, comprising:

- A fixed bracket (210);
- A bracket assembly (Figure 3) having a first damping member (230, bottom in Figure 1) having a first fixed end and a second movable end, said first fixed end being securable attached to said fixed bracket and said second movable end being movable in a first plane (up and down in Figure 1) aligned with the shaft, said bracket assembly having a brace (200) securable attached to said second movable end of said first damping member, said bracket assembly further having a second damping member (230, top in Figure 1) having a first end and a second end, said first end being securable attached to said brace (with 224) and said second end being movable in a second plane that is aligned with the shaft and is generally perpendicular (into the page in Figure 1
- it is noted that the support system of Wadensten vibrates in all directions including the perpendicular first and second planes) to said first plane;
- A roller bearing (182) securable attached to said second end of said second damping member, said roller bearing being constructed and arranged to provide a mechanical interconnection between said second end of said damping member and the shaft (170).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-12, 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunken, Jr. (6,057,618).

Regarding claim 7, Brunken, Jr. shows a bracket assembly for supporting a rotating shaft (10), comprising:

- A first damping member (40) having a first end and a second end, said first end being configured to be securably attached to a fixed bracket (30) and said second end being configured to be movable in a first plane aligned with the shaft;
- A brace (50) securably attached to said second end of said first damping member, said brace having an opening (50a) so that the shaft can pass through said brace; and
- A second damping member (60) having a first end and a second end, said first end (64) being securably attached to said brace and said second end (72a) being configured to be movable in a second plane that is aligned with the shaft and that is generally perpendicular to said first plane,
- Said first damping member including a first plate member (82a) and a first damping element (80a) positioned within said first plate member and said

second damping member including a second plate member and a second damping element positioned within said second plate member.

Brunken, Jr. does not show said first plate member, said second plate member, and said brace together forming a one-piece, unitary bracket element.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form said first plate member, said second plate member, and said brace together as a one-piece, unitary bracket element for the purpose of reducing assembling hours, since it has been held that constructing formerly separate components rigidly secured together as a single unit into an integral structure involves only routine skill in the art. In re Larson , 340 F.2d 965, 144 USPQ 347, 349 (CCPA 1965).

Regarding claims 8-11, it is noted that Brunken, Jr. also shows all of the limitations of the claimed invention in Figure 2.

Regarding claims 12, 14, 18, and 20, it is noted that Brunken, Jr. also shows a bearing having a first bearing portion (70) securably attached to said second end of said second damping member, and a second bearing portion (90) structured and arranged to be securably attached to the shaft and the bearing being a magnetic bearing.

7. Claims 1-6, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunken, Jr. in view of Takehara et al.

Regarding claims 1, 13, and 19, Brunken, Jr. shows all of the limitations of the claimed invention except for the use of roller bearing.

Takehara et al. shows the magnetic bearing can be replaced by the roller bearing or vice versa for the purpose of supporting the shaft.

Since Brunken, Jr. and Takehara et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use roller bearing or any other type of bearings as taught by Takehara et al. for the purpose discussed above.

Regarding claims 3 and 5, it is noted that Brunken, Jr. shows all of the limitations of the claimed invention except for said first plate member, said second plate member, and said brace together forming a one-piece, unitary bracket element or said first plate member being a one-piece, unitary member and said second plate member being a one-piece, unitary member.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form said first plate member, said second plate member, and said brace together as a one-piece, unitary bracket element for the purpose of reducing assembling hours (or to form said first plate member as a one-piece, unitary member and said second plate member as a one-piece, unitary member), since it has been held that constructing formerly separate components rigidly secured together as a single unit into an integral structure involves only routine skill in the art. In re Larson , 340 F.2d 965, 144 USPQ 347, 349 (CCPA 1965).

Regarding claims 2, 4, and 6, it is noted that Brunken, Jr. shows all of the limitations of the claimed invention.

Information on How to Contact USPTO

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/16/05



**DANG LE
PRIMARY EXAMINER**